

DD/A Registry
File *Personnel-2*

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77-6514

21 DEC 1977

Executive Registry
77-10963

MEMORANDUM FOR: Acting Deputy Director of Central Intelligence

FROM: [REDACTED]

Acting Director of Personnel

SUBJECT : Agency Three Year Leave Without Pay Policy

REFERENCE : HH [REDACTED]

1. Attached is a memorandum prepared by my staff on the Agency's policy of granting three years leave without pay to employees accompanying employee spouses to assignments outside the Headquarters area. Also attached is a copy of reference which delineates the policy in regulation.

2. The Agency has now had approximately five years' experience with this policy and we believe it is appropriate that it be reviewed by senior management for its impact on personnel management procedures. The one-time grant poses no particular problem; it is the continuing extensions and requests for second grants which we believe go beyond the original intent of the policy and of sound management practices. We understand the employee's interest in retaining the relationship for the staff grade and position, but are concerned how long this can be maintained when the employee is unavailable for assignment for long periods of time or for equally long periods performs work unrelated to the grade or responsibilities of the staff grade or occupation. This concern is apart from the benefits which accrue in the nonworking status.

3. Not noted in the paper, but a situation which supports the recommendation therein to limit the number and lengths of grants, is the problem being encountered in identifying staff positions at the former grade for some employees returning from these lengthy LWOPs.

If there is occasional difficulty finding positions which will support the former grade or occupation for these returnees after an absence of three or four years, we can only assume the problem will be exacerbated by a longer absence, particularly in the professional field.

4. Consideration was given to including in the recommendations a restriction that even the initial grant of three years' LWOP would be approved only for individuals who have been employed in the Agency for a minimum of five or ten years. Such a caveat would fit with the concept that the LWOP is granted to persons who have established the basis for an Agency career and the grant is in recognition of their value to the Agency. We are aware a restriction of this magnitude to a policy which is regarded as a "right" and not a "privilege" would create serious complaints from employees, but believe it is worth a review.

5. It is recommended that the subject of limiting the number and length of the three year LWOP grants be reviewed by the EAG.

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Att.

APPROVED : /s/ John F. Blake
Acting Deputy Director of
Central Intelligence

9 FEB 1978

Date

DISAPPROVED:
Acting Deputy Director of
Central Intelligence

Date

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MEMORANDUM FOR: Acting Director of Personnel.

FROM : [REDACTED]
Chief, Review Staff, OP

SUBJECT : Agency Three Year Leave Without Pay Policy

1. This memorandum contains a recommendation for a limit on the number of times an employee may be granted LWOP to accompany a spouse to assignments outside the headquarters area.

2. In October 1972 the then Executive Director Comptroller approved a policy for granting three years leave without pay (LWOP) for Agency employees accompanying Agency employee spouses to field assignments where there is no opportunity for assignment to a staff position for both members of the family. The policy was published, with the procedures for administering the program, in [REDACTED] in December 1972.

3. The published policy makes no reference to restrictions or limitations for the granting of extensions or subsequent second periods of three years, nor does any of the backup material. The memorandum which approved the establishment of the policy makes reference to the State Department's policy for granting LWOP for one full tour of duty and includes a statement of the proposed revision that the nonassigned spouse will be carried "on leave without pay for a maximum of three years". There was obviously no intention of providing a continuing series of three year LWOP grants.

4. The policy has now been in effect for approximately five years and the full impact of not having provided specific limitations is being felt. There are continuing requests for extension of the three year grant and for second grants to cover a second overseas

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tour, several back to back. We believe the policy needs a thorough reconsideration and the establishment of specific provisions which reflect the interests of the Agency management, provides equity in benefits to the Agency and the employee, and clarifies for the employee what constitutes a "career".

5. LWOP status provides certain benefits of considerable value to the employee and cost to the Government. Hospitalization Insurance and FEGLI coverage, both government sponsored programs, are continued for one year without employee contribution, and six months credit is given for retirement purposes for each calendar year of LWOP. An employee on three years LWOP, therefore, can receive 18 to 24 months retirement credit without contribution to the retirement system and a full year of free insurance coverage. In situations of frequent grants of LWOP the Government would be providing sizeable benefits without obtaining an equivalent return.

6. The Federal and Agency guidelines for granting LWOP are basically three:

(a) the employees will acquire increased job ability (i.e., LWOP for educational purposes);

(b) the employee will protect or improve his/her health or the health of a family member; or

(c) the services of a desirable employee will be retained. The three year LWOP policy for employee spouses derives from this last provision, and can be considered to be within the spirit of the rules. Continuing grants of LWOP, however, would not, in the full sense, be retaining the services of an employee if that employee is spending only part of a career on actual duty.

7. The major impact of this program is in the DDO and we are advised every effort is made to identify staff positions for both employees when one has been selected for assignment outside the headquarters area. Appropriate positions are not always available, however, hence the frequent requests to grant the three year LWOP, albeit followed in many cases by contract employment at the new post.

8. Viewed in long range terms, we do not believe the Agency can, or should, guarantee continuing careers in staff or contract status to employees who are restricted in their availability for assignment. A married employee who plans to accompany a spouse to assignments outside the headquarters area is restricting his/her availability for continuing work. It is not realistic to think frequent breaks in service occasioned by LWOP grants, or contract service in disciplines unrelated to the staff grade or normal career track of the individual, will permit continuing career development of the employee. The individual, for example, who does not work in his or her own discipline or profession for six to nine years out of a 12 or 15 year period hardly qualifies as an experienced employee for assignment in comparison to those who have devoted full time, or relatively full time, to their career development and assignments. While this situation is probably not true of clerical/secretarial employees to the same degree, inasmuch as the level or scope of contract employment more often nearly equates to the former staff grade and responsibilities, to be equitable in the treatment of all employees there can be only one three year LWOP policy. We do not believe exceptions can be made for individuals who may obtain contract employment in a related career field in contrast to those for whom the contract work is not available or is in an unrelated field, i.e., the GS-09 reports officer who contracts for a GS-05 clerk position. A policy of this scope must be applied equally to all employees and cannot be used to provide benefits to one person in excess of those available to another in the same basic situation. We are all aware the timing of assignment, date of arrival at post, etal, are determining factors in who gets what job, if any.

9. The three year LWOP grant to accompany a spouse to an assignment is a special benefit and continuing grants could be viewed as an abuse of this privilege. Employment in the Agency, by regulation, is not a tenured status and it cannot be construed by anyone that initial employment carries a guarantee of employment (staff or contract) to retirement regardless of the individual's personal status and obligations or elections as a husband, wife or parent. There is a quid pro quo here, and the approval of one long grant of leave without pay to provide for the interruption of an individual's employment because of personal circumstances (e.g., the assignment of the spouse) is more than adequate consideration.

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10. Inasmuch as the three year LWOP memorandum signed by the individual does not guarantee reinstatement in staff status, but only promises to make every effort to identify a position comparable to the one previously held, with any reinstatement at the grade of the position, we do not believe the LWOP status is absolutely necessary to insure consideration for a staff appointment on return to headquarters. Employees with good records, and particularly in the secretarial/clerical group, are normally reemployed when ceiling and requirements permit, the same situation which obtains on return from the three years LWOP. The argument that some employees make, i.e., that the Agency is depriving them of their career opportunities by assigning one spouse away from headquarters and therefore must be responsible for continuing salary levels or staff status, is invalid. If their individual careers are of such importance to both the husband and the wife, they should make that decision early in their Agency employment and choose career tracks which do not require frequent changes of assignment outside the headquarters area.

11. In consideration of the equities in terms of the employee, the Agency and the government employee benefits provided, we recommend the policy as now stated in the Handbook be reissued with specific restrictions or limitations. The revision would specify the following:

(a) Grants for the three year LWOP to accompany employee spouses to a field assignment may be approved for only one such assignment. Unused parts of the LWOP grant because of contract employment cannot be carried over to subsequent assignments or tours.

(b) Grants of 90 day LWOP in subsequent tours may be approved to enable the employee to explore opportunities for employment at the post without a break in service.

(c) Extension of the original three year grant will be approved only to permit return travel and reasonable leave when the spouse's tour totals the three years of the original request. Extensions for this purpose will not be approved beyond 60 days, limited to travel and home leave of spouse. (If the DDO goes to four year tours, established at beginning of assignment, this period could be extended to 4 years plus 60 days for travel and home leave.) There would be no extensions for personal reasons.

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(d) An exception to provision (a) may be granted by the Director of Personnel for one additional three year LWOP in unusual circumstances, such as when the second tour is separated by a lengthy period of time from the first, not less than five years, or is required because of unique qualifications of one spouse for the particular assignment and is not contemplated the spouse would be subsequently assigned to another field position.

12. We recognize this is radical surgery, but believe it must be done in terms of equity for everyone, and before precedent establishes continuing LWOP grants as Agency policy. At first blush the DDO may have problems with this proposal, but in the long run it should better serve their purposes in the development of their personnel. Where both employees are of identified importance to the Service, it would create a need for advance assignment planning to insure every effort is made to identify dual assignments in order to utilize the services of both employees in an appropriate manner. The DDO contract positions have all now been converted to graded positions on the Staffing Complement which should ease the assignment planning exercise and better define their personnel needs and options. (Mode, of course, can affect the staff and/or contract encumbrance of certain positions at overseas posts.) The one LWOP grant would be held in reserve for the assignment where only one of the spouses can be assigned to a position. In a career of 15 years abroad, probably slightly above the average service, with one LWOP for each spouse, it is hoped dual assignments could be developed for the other nine years . . . three assignments at most. If such planning cannot be worked out, there can obviously be only one true careerist in the couple.

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- (h) Employees dismissed early or excused from duty will not be charged annual leave; however, an employee (1) who is on leave when early dismissal is authorized, or (2) who is on leave or scheduled to be on leave on a day when there is a general closing of Federal offices will be charged leave as appropriate.
- (i) Questions regarding the release of employees because of weather conditions should be referred to the Office of Personnel.

l. Not used.

m. OTHER EXCUSED ABSENCES

Employees may be excused from duty without charge to leave or loss of pay when they are precluded from working because of the closing of their workplace or for the purpose of participating in civil activities which the Federal Government requires or is interested in encouraging. Such excused absences will be administered in accordance with prevailing Federal practice unless specifically provided for in Agency regulatory issuances.

11. LEAVE OF ABSENCE TO PERMIT AGENCY EMPLOYEES TO ACCOMPANY THEIR SPOUSES TO OTHER GEOGRAPHIC AREAS

- a. When an employee whose spouse is employed by the Agency is assigned PCS to a field duty station and there is no suitable requirement for the spouse's employment at the new post, the Head of the spouse's Career Service and the Director of Personnel will carry the spouse on leave without pay, following the expiration of accrued annual leave, during the employee's assignment up to a maximum of three years. Should the spouse accept contract employment during this period, the contract will provide for automatic reversion to LWOP status in the event the contract is terminated prior to the spouse's return to headquarters and within the three-year period. Should the spouse not become available to return to duty at headquarters by the end of the three years, the spouse's staff employment status will be terminated. The spouse will sign Form 3510, Memorandum of Understanding (figure 1), before the LWOP action becomes effective.

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- b. An employee whose spouse is not employed by the Agency and who plans to accompany the spouse to a new location may be carried in a leave status for 90 calendar days provided such action is in the best interests of the Agency. Extension of the 90-day period may be granted by the Head of the employee's Career Service only in those cases where a specific commitment has been made for return to pay status within a reasonable period of time. The 90-day period will include all annual leave to the employee's credit plus such leave without pay as is necessary to assure retention of status for 90 days after the employee's last working day.

12. ABSENCE WITHOUT LEAVE

- a. Absence without leave is an unauthorized absence from duty. An employee will receive no pay for a period of absence without leave. Disciplinary action may also be taken if appropriate.
- b. Absence without leave will be reported as AWOL in the LWOP column of the Time and Attendance Report. If it is later determined that the absence was justified, leave may be retroactively approved. In such case, the Time and Attendance Report should be amended so that the absence is charged to an appropriate leave account.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:

JOHN W. COFFEY
Deputy Director
for Support

DISTRIBUTION: AB

Revised: 20 December 1972

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